

IC 9-30-4

Chapter 4. Licenses and Registrations; Suspension and Revocation

IC 9-30-4-1

Reasonable ground appearing on records

Sec. 1. Upon any reasonable ground appearing on the records of the bureau, the bureau may do the following:

- (1) Suspend or revoke the current driving license of any person.
- (2) Suspend or revoke the certificate of registration and license plate for any motor vehicle.

As added by P.L.2-1991, SEC.18.

IC 9-30-4-2

Modification, amendment, or cancellation of orders; judicial review

Sec. 2. The bureau may modify, amend, or cancel any order or determination during the time within which a judicial review could be had. A person aggrieved by the modification, amendment, or cancellation may seek a judicial review as provided in this chapter.

As added by P.L.2-1991, SEC.18.

IC 9-30-4-3

Aggrieved persons; petition for review; jurisdiction; statement of facts; order

Sec. 3. (a) A person aggrieved by an order or act of the bureau under section 1 or 2 of this chapter may, within fifteen (15) days after notice is given, file a petition in the circuit or superior court of the county in which the person resides. If the person is a nonresident, the person may file a petition for review in the Marion circuit court.

(b) The petitioner must state facts showing how the order or act of the bureau is wrongful or unlawful, but the filing of a petition does not suspend the order or act unless a stay is allowed by a judge of the court pending final determination of the review on a showing of reasonable probability that the order or act is wrongful or unlawful.

(c) The court shall, within six (6) months of the date of the filing of the petition, hear the petition, take testimony, and examine the facts of the case. The court may, in disposing of the issues, modify, affirm, or reverse the order or act of the bureau in whole or in part and shall make an appropriate order. If the petition has not been heard within six (6) months from the date of the filing, the original order or act of the bureau shall be reinstated in full force and effect.

As added by P.L.2-1991, SEC.18.

IC 9-30-4-4

Filing of petition for review; docketing; issues; venue; costs

Sec. 4. On the filing of a petition for judicial review, the cause shall be docketed by the clerk of the court in the name of the petitioner against the bureau. The issues shall be considered closed by denial of all matters at issue without the necessity of filing any further pleadings.

Changes of venue from the judge or from the county shall be granted either party under the law governing changes of venue in civil causes. The bureau is not liable or taxable for any cost in any action for judicial review.

As added by P.L.2-1991, SEC.18.

IC 9-30-4-5

Appeal

Sec. 5. An appeal from the judgment of the court may be prosecuted by either party to the supreme court as in civil causes if a notice of intention to appeal is filed with the supreme court within a period of fifteen (15) days from the date of the judgment, together with an appeal bond conditioned that the appellant will duly prosecute the appeal and pay all costs if the decision of the supreme court is determined against the appellant with surety approved by the court. No bond is required of the bureau.

As added by P.L.2-1991, SEC.18.

IC 9-30-4-6

Suspension or revocation of license, certificate of registration, and license plates; evidence of registration; offenses; renewal; action by bureau; conviction; term of suspension; appeal

Sec. 6. (a) Whenever the bureau suspends or revokes the current driver's license upon receiving a record of the conviction of a person for any offense under the motor vehicle laws not enumerated under subsection (b), the bureau may also suspend any of the certificates of registration and license plates issued for any motor vehicle registered in the name of the person so convicted. However, the bureau may not suspend the evidence of registration, unless otherwise required by law, if the person has given or gives and maintains during the three (3) years following the date of suspension or revocation proof of financial responsibility in the future in the manner specified in this section.

(b) The bureau shall suspend or revoke without notice or hearing the current driver's license and all certificates of registration and license plates issued or registered in the name of a person who is convicted of any of the following:

- (1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.
- (2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.
- (3) A felony under Indiana motor vehicle laws or felony in the commission of which a motor vehicle is used.
- (4) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.
- (5) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars (\$200).
- (6) Possession, distribution, manufacture, cultivation, transfer,

use, or sale of a controlled substance or counterfeit substance, or attempting or conspiring to possess, distribute, manufacture, cultivate, transfer, use, or sell a controlled substance or counterfeit substance.

(c) The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsections (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property damage is less than two hundred dollars (\$200), the bureau may determine whether the driver's license and certificates of registration and license plates shall be suspended or revoked. The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsection (b)(6).

(d) A suspension or revocation remains in effect and a new or renewal license may not be issued to the person and a motor vehicle may not be registered in the name of the person as follows:

(1) Except as provided in subdivisions (2) and (3), for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license, whichever is later. Except as provided in IC 35-48-4-15, this includes a person convicted of a crime for which the person's license is suspended or revoked under subsection (b)(6).

(2) Upon conviction of an offense described in subsection (b)(1), for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. A new or reinstated license may not be issued to the person unless that person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that

the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

(3) For the period ordered by a court under IC 35-48-4-15.

(e) The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

(f) For the purpose of this chapter, "conviction" includes any of the following:

(1) A conviction upon a plea of guilty.

(2) A determination of guilt by a jury or court, even if:

(A) no sentence is imposed; or

(B) a sentence is suspended.

(3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.

(4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

(g) A suspension or revocation under this section or under IC 9-25-6-8 stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(h) A person aggrieved by an order or act of the bureau under this section or IC 9-25-6-8 may file a petition for a court review.

As added by P.L.2-1991, SEC.18. Amended by P.L.107-1991, SEC.1; P.L.64-1994, SEC.2.

IC 9-30-4-7

Return of suspended license, certificate of registration, and license plate to bureau; violation; Class C misdemeanor; seizure by law enforcement

Sec. 7. (a) A person whose:

(1) operator's or chauffeur's license; or

(2) certificate of registration or license plate;

has been suspended and has not been reinstated shall immediately return the license, certificate of registration, and license plate to the bureau. A person who knowingly fails to comply with this requirement commits a Class C misdemeanor.

(b) The bureau may:

(1) take possession of a license, certificate of registration, or license plate upon the suspension; or

(2) direct a law enforcement officer to take possession and return the license, certificate, or license plate to the office of the bureau.

(c) All law enforcement officers are authorized as agents of the

bureau to seize the license, certificate of registration, and license plate of a person who fails to surrender the license, certificate, or license plate. A law enforcement officer shall notify the bureau of the seizure.
As added by P.L.2-1991, SEC.18.

IC 9-30-4-8

Operation of motor vehicle following suspension of certificate of registration, or in violation of a restricted license; Class C misdemeanor

Sec. 8. (a) A person whose certificate of registration has been suspended or revoked, with restoration or the issuance of a new certificate being contingent upon the furnishing of proof of financial responsibility and who, during the suspension or revocation or in the absence of full authorization from the bureau, operates the motor vehicle upon a highway or knowingly permits the motor vehicle to be operated by another person upon a highway except as permitted under this chapter commits a Class C misdemeanor.

(b) A person with a restricted license issued by the bureau who operates a motor vehicle upon a highway in violation of the terms and conditions specified on the restricted license commits a Class C misdemeanor.

As added by P.L.2-1991, SEC.18.

IC 9-30-4-9

Citation on complaint; hearing; notice; suspension or revocation of restricted license; failure to appear; evidence; review; modification, amendment, or cancellation of order

Sec. 9. (a) Upon the filing of a complaint in writing with the bureau against a person holding a current driver's license or applying for a current driver's license or a renewal, the bureau may cite the person for a hearing to consider the suspension or revocation of the license upon any of the following charges:

- (1) That the person has committed an offense for the conviction of which mandatory revocation of license is provided.
- (2) That the person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or property damage.
- (3) That the person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle.
- (4) That the person is a reckless or negligent driver of a motor vehicle or has committed a violation of a motor vehicle law.

(b) Whenever the bureau issues a citation upon a complaint in writing for any of the reasons set out in this section, the bureau shall immediately notify the licensee or permit holder of the time and place of the hearing and afford the person an opportunity of a hearing in the county in which the person so cited and against whom the complaint is filed resides before the bureau or a deputy or an agent of the bureau designated for the purpose of the hearing. The citation must state the time, date, and place where the hearing will be held and that the licensee or permit holder has the right to appear and to be heard. At the

hearing the bureau or the deputy or agent may issue an order of suspension or revocation or decline to suspend, revoke, or issue the license or permit.

(c) The bureau or the deputy or agent may suspend or revoke the current driver's license of a person and any of the certificates of registration and license plates for a motor vehicle or require the person cited to operate for a period of one (1) year under a restricted license and make the reports the bureau requires.

(d) The bureau or the deputy or agent may subpoena witnesses, administer oaths, and take testimony. The failure of the defendant to appear at the time and place of the hearing after notice as provided in this section does not prevent the hearing, the taking of testimony, and the determination of the matter.

(e) Testimony or a record of suspension or revocation of a current driver's license in the custody of the bureau following a hearing is not admissible as evidence:

- (1) in any court in any action at law for negligence; or
- (2) in any civil action brought against a person so cited by the bureau under this chapter.

(f) The bureau may suspend or revoke the license of an Indiana resident for a period of not more than one (1) year upon receiving notice of the conviction of the person in another state of an offense that, if committed in Indiana, would be grounds for the suspension or revocation of the license. The bureau may, upon receiving a record of the conviction in Indiana of a nonresident driver of a motor vehicle of an offense under Indiana motor vehicle laws, forward a certified copy of the record to the motor vehicle administrator in the state where the person convicted is a resident.

(g) The bureau may not suspend a current driver's license for more than one (1) year and upon suspending or revoking any license shall require that the license be surrendered to the bureau.

(h) A suspension or revocation under this section stands pending any proceeding for review of an action of the bureau taken under this section.

(i) In addition to any other power, the bureau may modify, amend, or cancel any order or determination during the time within which a judicial review could be had. A person aggrieved by the order or act may have a judicial review under sections 10 and 11 of this chapter.

As added by P.L.2-1991, SEC.18. Amended by P.L.66-1992, SEC.21.

IC 9-30-4-10

Review; petition for rehearing in circuit or superior court following suspension or revocation by bureau

Sec. 10. (a) A person whose current driver's license or permit or certificate of registration has been suspended or revoked by the bureau under section 9 of this chapter may file a petition within thirty (30) days for a hearing in the matter in a circuit or superior court in the county in which the person resides. The court has jurisdiction and shall set the matter for hearing after fifteen (15) days written notice to the bureau. The court shall conduct a hearing on the petition, take testimony, and examine into the facts of the case de novo and

determine whether the action of the bureau complained of was erroneous and make an appropriate order or decree as provided in this chapter.

(b) Every action for a court review or appeal under this chapter shall be tried by the court and not by a jury. The court shall, without any requests, make, sign, and file a special finding of facts in writing and shall state in writing its conclusions of law. The court shall immediately, after ruling on any motion for a new trial duly filed, render judgment in accordance with the conclusions of law stated in the special findings of facts. Exceptions to conclusions of law may be taken by an entry of the exceptions at any time before judgment.

As added by P.L.2-1991, SEC.18.

IC 9-30-4-11

Review procedures; issues; venue; costs; notice of intention; scope of review

Sec. 11. (a) On the filing of a petition under section 10 of this chapter for judicial review, the cause shall be docketed by the clerk of the court in the name of the petitioner against the bureau. The issues shall be considered closed by denial of all matters at issue without the necessity of filing any further pleadings. Changes of venue from the judge or from the county shall be granted either party under the law governing changes of venue in civil causes. The bureau is not liable or taxable for any costs in any action for judicial review.

(b) An appeal from the judgment of the court may be prosecuted by either party as in civil causes, provided a notice of intention to appeal is filed with the court within fifteen (15) days from the date of the judgment, together with an appeal bond conditioned that the appellant will duly prosecute the appeal and pay all costs if the decision of the court having appellate jurisdiction over the appeal is determined against the appellant with surety approved by the court. A bond is not required of the bureau.

(c) IC 4-21.5 does not apply to this chapter. A court does not have jurisdiction to review any order or act of the bureau except as provided for in this chapter, any other law to the contrary, regardless of the date of enactment of the other law.

As added by P.L.2-1991, SEC.18.

IC 9-30-4-12

Effect of suspension of driving privileges or drivers' licenses

Sec. 12. (a) Any court judgment, court order, or administrative proceeding that results in a suspension of a person's driving privileges also suspends any driver's license or permit held by the person.

(b) Any court judgment, court order, or administrative proceeding that results in a suspension of a person's driver's license or permit also suspends the person's driving privileges.

As added by P.L.2-1991, SEC.18.

IC 9-30-4-13

Notice procedures; failure to answer; Class C misdemeanor

Sec. 13. (a) Whenever the bureau is authorized or required to give

notice under this chapter or any other law regulating the operation of vehicles, unless a different method of giving notice is otherwise expressly prescribed, the notice may be given either by personal delivery to the person to be notified or by deposit with the United States Postal Service of the notice by first class mail.

(b) A person who, after notification, fails to return or surrender to the bureau upon demand a suspended, revoked, or canceled current driver's license or certificate of registration commits a Class C misdemeanor. The bureau may file an affidavit with the prosecuting attorney of the county in which the person resides charging the person with the offense.

As added by P.L.2-1991, SEC.18.

IC 9-30-4-14

Rules; adoption

Sec. 14. The bureau may adopt rules under IC 4-22-2 to administer this chapter.

As added by P.L.2-1991, SEC.18.

IC 9-30-4-15

Violations; Class C infraction

Sec. 15. A person who violates a provision of this chapter for which another penalty is not prescribed by law commits a Class C infraction.

As added by P.L.2-1991, SEC.18.